

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

U.S. DISTRICT COURT
EASTERN DISTRICT-WI
FILED

'05 FEB 28 P12:17

David Webster
4239 North Pine Tree Road
Oneida, WI 54155,

Denise Vigue
N6018 County Highway H
DePere, WI 54115,

Amy Gutierrez
705 Mead Avenue
Sheboygan, WI 53081,

and

Jennifer Van Bellinger
2083 Fern Lane
Green Bay, WI 54302

Petitioners,

vs.

Case No.

05 - C - 0226

Oneida Nation Tribe of Indians Gaming Commission
2669 West Mason Street
Green Bay, WI 54303,

Louise Cornelius in her official capacity as
Gaming Commission Chairperson
2669 West Mason Street
Green Bay, WI 54303,

Gary Jordan in his official capacity as
Gaming Commission Vice Chairperson
2669 West Mason Street
Green Bay, WI 54303,

Rochelle Powless in her official capacity as
Gaming Commission Member
2669 West Mason Street
Green Bay, WI 54303,

Linda Dallas in her official capacity as
Gaming Commission Member
2669 West Mason Street
Green Bay, WI 54303,

Oscar Schuyler in his official capacity as
Gaming Commission Member
2669 West Mason Street
Green Bay, WI 54303,

Oneida Nation Tribe of Indians Business Committee
Norbert Hill Center
N7210 Seminary Road
Oneida, WI 54155,

Tina Danforth in her official capacity as
Business Committee Chairperson
Norbert Hill Center
N7210 Seminary Road
Oneida, WI 54155,

Kathy Hughes in her official capacity as
Business Committee Vice Chairperson
Norbert Hill Center
N7210 Seminary Road
Oneida, WI 54155,

Julie Barton in her official capacity as
Business Committee Secretary
Norbert Hill Center
N7210 Seminary Road
Oneida, WI 54155,

Mercie Danforth in her official capacity as
Business Committee Treasurer
Norbert Hill Center
N7210 Seminary Road
Oneida, WI 54155,

Brian Doxtator in his official capacity as
Business Committee Councilman
Norbert Hill Center
N7210 Seminary Road
Oneida, WI 54155,

Vince Delarosa in his official capacity as
Business Committee Councilman
Norbert Hill Center
N7210 Seminary Road
Oneida, WI 54155,

Trish King in her official capacity as
Business Committee Councilman
Norbert Hill Center
N7210 Seminary Road
Oneida, WI 54155,

Paul Ninham in his official capacity as
Business Committee Councilman
Norbert Hill Center
N7210 Seminary Road
Oneida, WI 54155,

and

Curtis Danforth in his official capacity as
Business Committee Councilman
Norbert Hill Center
N7210 Seminary Road
Oneida, WI 54155,

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

NOW COME the Petitioners, David Webster, Denise Vigue, Amy Gutierrez and Jennifer Van Bellinger, by and through their attorneys, Cross Law Firm, S.C., who hereby submit this petition for a WRIT OF HABEAS CORPUS and allege as follows:

I.

Petitioners are members of the Oneida Nation Tribe of Indians, who are domiciled within the State of Wisconsin.

II.

Respondent Oneida Nation Tribe of Indians Gaming Commission is a body of representatives elected by the Oneida General Tribal Council to insure the integrity of all games authorized by the Comprehensive Oneida Gaming Ordinance.

On information and belief, Respondent Louise Cornelius is a member of the Oneida Tribe of Indians and currently acts as the Chairperson for the Oneida Tribe of Indians Gaming Commission.

On information and belief, Respondent Gary Jordan is a member of the Oneida Tribe of Indians and currently acts as the Vice Chairperson for the Oneida Tribe of Indians Gaming Commission.

On information and belief, Respondent Rochelle Powless is a member of the Oneida Tribe of Indians and currently acts as a Member for the Oneida Tribe of Indians Gaming Commission.

On information and belief, Respondent Linda Dallas is a member of the Oneida Tribe of Indians and currently acts as a Member for the Oneida Tribe of Indians Gaming Commission.

On information and belief, Respondent Oscar Schuyler is a member of the Oneida Tribe of Indians and currently acts as a Member for the Oneida Tribe of Indians Gaming Commission.

Respondent Oneida Nation Tribe of Indians Business Committee is the representative body of the Oneida Tribe of Indians, and derives its authority from Article III of the Oneida Tribal Constitution.

On information and belief, Respondent Tina Danforth is a member of the Oneida Tribe of Indians and currently acts as the Chairperson for the Oneida Tribe of Indians Business Committee.

On information and belief, Respondent Kathy Hughes is a member of the Oneida Tribe of Indians and currently acts as the Vice Chairperson for the Oneida Tribe of Indians Business Committee.

On information and belief, Respondent Julie Barton is a member of the Oneida Tribe of Indians and currently acts as the Secretary for the Oneida Tribe of Indians Business Committee.

On information and belief, Respondent Mercie Danforth is a member of the Oneida Tribe of Indians and currently acts as the Treasurer for the Oneida Tribe of Indians Business Committee.

On information and belief, Respondent Brian Doxtator is a member of the Oneida Tribe of Indians and currently acts as a Councilman for the Oneida Tribe of Indians Business Committee.

On information and belief, Respondent Vince Delarosa is a member of the Oneida Tribe of Indians and currently acts as a Councilman for the Oneida Tribe of Indians Business Committee.

On information and belief, Respondent Trish King is a member of the Oneida Tribe of Indians and currently acts as a Councilman for the Oneida Tribe of Indians Business Committee.

On information and belief, Respondent Paul Ninham is a member of the Oneida Tribe of Indians and currently acts as a Councilman for the Oneida Tribe of Indians Business Committee.

On information and belief, Respondent Curtis Danforth is a member of the Oneida Tribe of Indians and currently acts as a Councilman for the Oneida Tribe of Indians Business Committee.

III.

The Jurisdiction of the Court to entertain this petition is based upon the Indian Civil Rights Act of 1968, 25 U.S.C. § 1303.

IV.

Petitioners have been and continue to be unlawfully and substantially restrained in their liberty and property by Respondents pursuant to Respondents' revocation of Petitioners' gaming licenses without due process of law, in violation of the Indian Civil Rights Act of 1968, Oneida Tribal Constitution, Oneida Comprehensive Gaming Ordinance and Oneida Administrative Procedures Act.

V.

Petitioners have exhausted all appropriate tribal remedies before filing this petition for a WRIT OF HABEAS CORPUS, including all possible tribal court appeals.

WHEREFORE, petitioner requests that this court:

1. Issue a WRIT OF HABEAS CORPUS commanding Respondents to produce the petitioners before this Court at a time and place to be specified by this Court so that this Court may further inquire into the lawfulness of Respondents' restraint of petitioners' liberty and property;
2. Inquire into the legality and propriety of the aforesaid restraint on petitioners' liberty and property, and, if the restraint of petitioners' liberty and property is found to be violative of the Indian Civil Rights Act of 1968, Oneida Tribal Constitution, Oneida Comprehensive Gaming Ordinance and/or Oneida Administrative Procedures Act, order

reinstatement of petitioners' respective licenses, order reinstatement of petitioners into the respective positions each petitioner held prior to such restraint, order back-pay and lost benefits beginning from the date on which petitioners' licenses were revoked and continuing through the date of judgment, order an award of out-of-pocket expenses to petitioners, order payment of attorney fees and costs to petitioners; and

3. Grant such other and further relief to which petitioner may be entitled in this proceeding.

Respectfully submitted this 26th day of February 2005.

CROSS LAW FIRM, S.C.

Attorneys for Petitioners

By: 

Shannon D. McDonald, Esq.

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